

(5) **"school grounds"** means any city and borough school building, school administration building or associated playground, parking lot, or any athletic field, while such athletic field is being used for an activity sponsored and supervised by the city and borough school district.

(c) Violation of this section is a Class B misdemeanor.

[Juneau Penal Code current as of Feb. 23, 2001]

## AMERICAN SAMOA

### AM. SAMOA CODE ANN.

#### Title 46. Criminal Justice

##### Chapter 42. Weapons

###### 46.4201. Definitions. ...

(b) **"Deface"** means to alter or destroy the manufacturer's or importer's serial number or any distinguishing number or identification mark.

(c) **"Explosive weapon"** means any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon.

(d) **"Firearm"** means any weapon that is designed or adapted to expel a projectile by the action of an explosive.

(e) **"Firearm silencer"** means any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

(f) **"Gas gun"** means any gas ejective device, weapon, cartridge, container or contrivance other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects mace or other repellant or temporary incapacitating substance.

(g) **"Intoxicated"** means substantially impaired mental or physical capacity resulting from introduction of any substance into the body. ...

(j) **"Machine gun"** means any firearm that is capable of firing more than 2 shots automatically, without manual reloading, by a single function of the trigger.

(k) **"Projectile weapon"** means any bow, crossbow, pellet gun, slingshot, or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

(l) **"Rifle"** means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

(m) **"Short barrel"** means any barrel length of less than 16" for a rifle and 18" for a shotgun, or an overall rifle and shotgun length of less than 26".

(n) **"Shotgun"** means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shots or single projectile through a smoothbore barrel by a single function of the trigger. ....

###### 46.4202. Prohibited weapons.

(a) A person commits a crime if he knowingly possesses, manufactures, transports, repairs, or sells:

- (1) an explosive weapon;
- (2) a machine gun;
- (3) a gas gun;
- (4) a short-barreled rifle or shotgun;
- (5) a silencer; ...

(8) any other arms, as defined in section 46.4220, for which a valid license from the commissioner of public safety has not been obtained.

(b) A person does not commit a crime under this section if his conduct:

(1) was incident to the performance of official duty by the armed forces, a governmental law enforcement agency, or a penal institution;

(2) was incident to engaging in a lawful commercial or business transaction with an organization listed in paragraph (b)(1); or

(3) was incident to using an explosive weapon reasonably related to a lawful industrial or commercial enterprise;

(4) was incident to displaying the weapon in a public museum or exhibition; or

(5) was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in paragraph (a)(1), (3), (4), or (5), it must be in a nonfunctioning condition that it cannot readily be made operable. No machine gun may be possessed, manufactured, transported, repaired, or sold as a curio, ornament, or keepsake even if it is inoperable and cannot be made readily operable.

(c) The defendant has the burden of injecting the issue of an exemption under subsection (b).

(1) A crime under paragraph (a)(1), (2), (3), (4), or (5) is a class C felony; a crime under paragraph (a)(6), (7), or (8) is a class A misdemeanor.

###### 46.4203. Unlawful use of weapons.

(a) A person commits the crime of unlawful use of weapons if he knowingly:

(1) carries concealed on or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; ...

(5) possesses or discharges a firearm or projectile weapon while intoxicated; ...

###### (b) Exemptions.

(1) Paragraphs (a)(1), (3), (4), (6), (7) and (8) do not apply to or affect any of the following:

(A) peace officers, or any person summoned by these officers to assist in making arrests or preserving the peace while actually engaged in assisting the officer;

(B) wardens, superintendents and keepers of prisons, jails and other institutions for the detention of persons accused or convicted of crime;

(C) members of the armed forces while performing their official duty.

(c) The defendant has the burden of injecting the issue of an exemption under subsection (b).

(d) Unlawful use of weapons is a class D felony unless committed under paragraph (a)(5), (6), (7), or (8), then it is a class B misdemeanor.

###### 46.4204. Defacing firearm.

(a) A person commits the crime of defacing a firearm if he knowingly defaces any firearm.

(b) Defacing firearm is a class A misdemeanor.

###### 46.4205. Possession of a defaced firearm.

(a) A person commits the crime of possession of a defaced firearm if he knowingly possesses a firearm which does not have the manufacturer's or importer's serial number engraved or cast on the receiver or frame of the firearm.

(b) Possession of a defaced firearm is a class B misdemeanor.

###### 46.4206. Unlawful transfer of weapons.

(a) A person commits the crime of unlawful transfer of weapons if he:

(1) knowingly sells, leases, loans, gives away, or delivers a firearm or ammunition for a firearm to any person, who, under the provisions of 46.4207, is not lawfully entitled to possess it.

(2) Knowingly sells, leases, loans, gives away, or delivers a knife, rifle, shotgun or blackjack to a person less than 18 years old without the consent of the child's custodial parent or guardian, or recklessly sells, leases, loans, gives away, or delivers any other firearm to a person less than 18 years old; provided, that this does not prohibit delivery of those weapons to any peace officer or member of the armed forces while performing his official duty; or

(3) recklessly sells, leases, loans, gives away, or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

(b) Unlawful transfer of weapons under paragraph (a)(1) is a class D felony; unlawful transfer of weapons under paragraphs (a)(2) and (3) is a class A misdemeanor.

###### 46.4207. Unlawful possession of firearms and firearm ammunition.

(a) A person commits the crime of unlawful possession of a firearm or firearm ammunition if he has any firearm or firearm ammunition in his possession, and

(1) he has been convicted of a dangerous felony or confined therefor in this territory or elsewhere during the 5-year period immediately preceding the date of that possession; or

(2) he is a fugitive from justice, a habitual drunkard, a drug addict, or is currently adjudged mentally incompetent.

(b) Unlawful possession of a firearm or firearm ammunition is a class C felony.

**46.4220. Definition of "arms".** As used in 46.4220 through 46.4234, "arms" includes guns, rifles, pistols, air rifles, air pistols, gas rifles, gas pistols, ammunition, shells cartridges, gunpowder, dynamite, nitroglycerine, blasting powder, fireworks, and all other firearms and explosives and materials for the manufacture of the same.

###### 46.4221. License - Required when.

(a) It is unlawful of any person, whether permanently or temporarily resident within American Samoa or whether on shore or on board any vessel, anchored, moored, or docked in any harbor in American Samoa, to have in his possession any arms without first having obtained a license from the commissioner of public safety.

(b) A license to possess arms shall not be issued by the commissioner of public safety unless the application therefor has been approved by the attorney general.

(c) A license shall be issued only for this ownership and possession of 12, 16, 20 and 410 gauge shotguns and shotgun shells and 22 caliber rifles. ....

###### 46.4222. License - Required for import.

(a) It is unlawful of any person to import arms into American Samoa without having obtained a license therefor from the commissioner of public safety.

(b) A license to import arms shall not be issued by the commissioner of public safety unless

the application has been approved by the attorney general.

(c) Unless otherwise authorized, only those shotguns and rifles referred to in section 46.221(c) ASCA may be imported with licenses.

(d) The customs officers may confiscate any guns that are being imported into the Territory in violation of law. Confiscated guns must be surrendered to the custody of the commissioner of public safety within 5 days of confiscation.

**46.4223. License - Required for the sale of arms.**

(a) It is unlawful for any person to sell or in any other way transfer the right of possession of any arms without having obtained from the commissioner of public safety a license to sell arms. The application for such license shall contain such information as may be required by the commissioner of public safety.

(b) A license to sell arms shall not be issued by the commissioner of public safety unless the application for the license has been approved by the attorney general. No license shall be issued for the sale of arms other than shotguns and .22 caliber rifles as set out in 46.221(c) and ammunition therefor.

**46.4224. License - Information required.**

(a) Every person who obtains a license to possess, import, or sell arms shall, upon the written request of the Governor or his designated representative, furnish such information concerning such arms as may be reasonably required.

(b) Each license issued shall specify the number, quantity, and description of the arms which may be possessed, imported, or sold, or otherwise transferred under it.

**46.4225. License - Possession required when carrying arms.** Every person to whom a license to possess arms is issued, shall when carrying such arms or any part thereof, have

with him the license to possess such arms, and shall produce the same for inspection upon demand of any officer or official of the government.

**46.4226. License - Revocation.** Any license issued under authority of this title may be altered or revoked by the Governor or his designated representative at any time for good cause.

**46.4227. License - Renewal.**

(a) Licenses to possess arms shall expire on 10 January of the year following their issue. Each holder of a license to possess arms shall, between the 1<sup>st</sup> and the 10<sup>th</sup> of January of each year, submit his license to possess arms for the previous year, together with the annual license fee, to the commissioner of public safety.

(b) The commissioner of public safety may renew the license with or without examining the arms for which the license is to be issued; but the holder of the license shall, upon the demand of the commissioner of public safety, submit the arms to him for examination.

**46.4228. Marking arms for identification.**

Each person to whom a license to possess arms is issued shall, upon receipt of such arms, produce at the office of the commissioner of public safety his license to possess arms, together with the arms specified in said license. Such arms shall be examined and compared with the license and, if found to correspond therewith, shall be marked with such letter as may be designated by the commissioner of public safety and also marked with a number indicating the order of the license, and registration as specified in the license, unless the arm has plainly visible and distinctive serial number stamped on it. Such arms when duly marked shall be redelivered to the licensee, together with license. If the provisions of this section are not complied with, the license shall be revoked, and the arms may be confiscated as though no license had been issued.

**46.4229. Sales to persons without licenses - Grandfather clause.**

(a) No person shall sell or otherwise transfer any arms to any person who does not hold a valid and existing license to possess the particular firearms to be sold. ....

**46.4233. Authorized possession and use of arms without license.**

(a) This chapter does not prohibit the possession and use of arms and other police weapons by any member of the police force, armed forces of the United States or employees if the government of the United States and law enforcement officers of other states or territories if these arms are properly issued by the issuing authorities and are brought into the Territory in the course of performance of official duties.

(b) The Governor or his designated representative may authorize the police of any village to possess and use arms in connection with his official duties without first obtaining a license therefor.

(c) The Governor may enter into reciprocal agreements with states whose law enforcement officers may be assigned on official duty in the Territory to permit these law enforcement officers to carry firearms without registration.

**46.4234. Violation Penalty - Disposition of confiscated arms.**

(a) Any person who violates any of the provisions of this chapter or who refuses to obey any lawful order issued under the authority of this chapter is guilty of a class A misdemeanor and shall, upon conviction, be sentenced accordingly, and any arms involved may be confiscated by the government. ....

[Current through Am. Samoa Pub. Law 23-09 (Dec. 1993)]

---

## ARIZONA

### ARIZ. REV. STAT.

---

#### Title 13. Criminal Code

#### Chapter 9. Probation and Restoration of Civil Rights

**13-912. Restoration of civil rights; automatic for first offenders; persons excluded.**

**A.** Upon completion of the term of probation, or upon absolute discharge from imprisonment, and upon the completion of payment of any fine or restitution imposed, any person who has not previously been convicted of any other felony shall automatically be restored any civil rights which were lost or suspended by the conviction.

**B.** This section does not apply to a person's right to possess weapons as defined in section 13-3101 unless he applies to a court pursuant to the procedures of section 13- 906.

**13-912.01. Restoration of civil rights; persons adjudicated delinquent.**

**A.** A person who was adjudicated delinquent and whose period of probation has been completed may have his right to possess or carry a gun or firearm restored by the judge who discharges the person at the end of his term of probation.

**B.** A person who was adjudicated delinquent and who has been discharged from probation, on proper application, may have his right to carry or possess a gun or firearm restored by the judge of the juvenile court in the county where the person was adjudicated delinquent or his

successors. The clerk of the superior court shall process the application on the request of the person involved or the person's attorney. The applicant shall serve a copy of the application on the county attorney.

**C.** If the person's adjudication was for a dangerous offense under section 13-604, a serious offense as defined in section 13-604, burglary in the first degree, burglary in the second degree or arson, the person may not file for the restoration of his right to possess or carry a gun or firearm until the person attains thirty years of age. If the person's adjudication was for any other felony offense, the person may not file for the restoration of his right to possess or carry a gun or firearm for two years from the date of his discharge.

#### Chapter 31. Weapons and Explosives

**13-3101. Definitions.**

**A.** In this chapter, unless the context otherwise requires:

**1. "Deadly weapon"** means anything that is designed for lethal use. The term includes a firearm.

**2. "Deface"** means to remove, alter or destroy the manufacturer's serial number.

**3. "Explosive"** means any dynamite, nitroglycerine, black powder or other similar explosive material including plastic explosives. Explosive does not include ammunition or ammunition

components such as primers, percussion caps, smokeless powder, black powder and black powder substitutes used for hand loading purposes.

**4. "Firearm"** means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will or is designed to or that may readily be converted to expel a projectile by the action of an explosive. Firearm does not include a firearm in permanently inoperable condition. ...

**6. "Prohibited possessor"** means any person:

(a) Who has been found to constitute a danger to himself or to others pursuant to court order under section 36-540, and whose court ordered treatment has not been terminated by court order.

(b) Who has been convicted within or without this state of a felony or who has been adjudicated delinquent and whose civil right to possess or carry a gun or firearm has not been restored.

(c) Who is at the time of possession serving a term of imprisonment in any correctional or detention facility.

(d) Who is at the time of possession serving a term of probation pursuant to a conviction for a domestic violence offense as defined in section 13-3601 or a felony offense, parole, community supervision, work furlough, home arrest or release on any other basis or who is serving a